

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
JUNE 26, 2006**

**BOARD MEMBERS PRESENT:** Lane Adamson, John Lounsbury, Dave Maddison, Ann Schwend, MaryLou Freese and Dorothy Davis.

**BOARD MEMBERS ABSENT:** Bill Olson, Eileen Pearce, Ed Ruppel, Laurie Schmidt and Pat Bradley.

**OTHERS PRESENT:** County Commissioner Ted Coffman, Tricia & Laird Stabler, Tim & Bambi Gress, Kathy Carpenter, Chuck Bryant, Kevin Germain, Jessi Fanelli, Dwight Minton, Jack & Donna Truckle, Bill Slaton & Kant Newton, Phyllis Bowles, Karen Swedman, Jay Willett, David M. Albert, Bill Kidd, Melinda Merrill, Troy White, Art Hoffart, Andy Willett, Robert L. Reck and family, Mary O'Donnell, Richard Thomas, Janet Thomas, Russ Munson, Wanda Munson, Dennis Houtzel, Chris Murphy, Minxie Minton, Rick Landers, Art Wittich, Steve Flanagan, Jeff Laszlo, Craig Jourdonnais, Doris Fischer Planning Director, Staci Beecher Planner 1 and Marilee Foreman-Tucker Planning Board Secretary.

**In the absence of President Bill Olson, Vice President Ann Schwend presided over the meeting.**

**MOTION: To approve the minutes of the May 30, 2006 meeting as presented. Moved by:** Lane Adamson, **seconded by:** MaryLou Freese. **All voted aye.**

**President's Comments: None.**

**Public Comment: None.**

**OLD BUSINESS:**

**Proposed Revisions to Madison County Subdivision Regulations and Subdivision Review Fees—Discussion**

Doris explained that Myra Shults, Land Use attorney, had suggested that adoption of the subdivision review fees and subdivision regulations be done separately as revisions to the fees might be necessary before doing a complete revision of the regulations.

**MOTION: To put review fee revision discussion and subdivision regulation revision discussion in the form of a public hearing on the Planning Board agenda for July 31, 2006. Moved by:** John Lounsbury, **seconded by:** Lane Adamson. **All voted aye.**

**PUBLIC HEARING OF PROPOSED PRELIMINARY PLAT, GRESS MINOR SUBDIVISION, ENNIS (Tim and Bambi Gress, landowners)**

Staci Beecher, Madison County Planner 1, presented the description of the proposed minor subdivision and her staff report conclusion in which she says that the subdivision is in compliance with all applicable rules and regulations, the Madison County Comprehensive

Plan, and will have a positive impact on each of the six public interest criteria, in addition to other resources of the county.

**MOTION: To recommend approval of the proposed Preliminary Plat with the conditions outlined by Staci. Moved by: Dave Maddison, seconded by: John Lounsbury. All voted aye.**

#### **PLANNING BOARD RECOMMENDATION**

Based on the subdivision application, staff report with Proposed Findings of Fact, May 30, 2006 public meeting, and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to Gress Minor Subdivision, subject to the conditions listed below.

#### ***[Standard conditions]***

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. Utility easements shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

#### ***[Additional site-specific conditions]***

6. The DEQ exemption statement shown on the final plat should reference both lots.
7. Prior to final plat approval, house addresses shall be posted in accordance with Madison County addressing and Emergency 911 system.
8. The final plat shall show a building restriction area on Lot 1 to preclude construction in wetland areas and in the creek corridor, similar to the building restriction on Lot 2.
9. Reclamation of Lot 1 hillside must be completed or bonded for prior to final plat approval. Reclamation shall include reseeding, re-contouring, and drainage measures for the site. In the event that the reclamation is not completed before final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee (see Subdivision Regulations, Appendix M) shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the Letter

of Credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit must cover the time period needed to complete project improvements.

## **OLD BUSINESS, continued:**

### **Development Impact Fees**

Doris reported that Paul Tischler of Tischler-Bice has been hired by the county to do a feasibility study which is being done with results being made available in two weeks. If a full study needs to be done, Tischler will provide a cost estimate. He stated that improvements must be done within 3-7 years of being assessed.

### **Madison Growth Solutions Process**

Lane Adamson reported that the next forum will be held July 13 at 6:00 p.m. in the Ennis Fire Hall at which time the proposed action plan for growth will be discussed and formulated.

The following Wednesday, July 19, another forum will be held to come up with a firm plan or recommended actions from the community. Representatives from Gallatin and Ravalli Counties will be on hand for questions regarding their experiences with respect to growth and accommodation of change in their communities. It will begin at 6:00 p.m. at Ennis High School.

Lane also reported that a survey to mail recipients in McAllister, Ennis and Cameron will be sent out within the next 2-3 weeks.

### **Housing Plan/Growth Policy Update Process**

Staci and Doris scheduled for a growth meeting in Big Sky on June 29, 2006 at 4:00 p.m. to determine what the public wants in that region.

Doris reported that October 1 is the deadline for being able to use the Comprehensive Plan as a guide in subdivision review.

### **PUBLIC HEARING AND REVIEW OF PROPOSED PRELIMINARY PLAT, ORCHARD HILLS ESTATES MINOR SUBDIVISION, CARDWELL, (Will Rowley, landowner)**

Doris described the property location and summarized that the staff recommends approval be granted to the subdivision.

Doris pointed out that an additional letter of concern about the subdivision received from Richard and Janet Thomas.

### **Public Comment**

- There is currently no weed control on Lot 1.

- The property adjoins State land on which there is hunting and concerned about the safety factor.
- Concern about 5 houses on 40 acres.
- Concern about congestion in a small area; more traffic.
- Concern about more dogs in the neighborhood and in relation to livestock.
- The subdivision use of the land is incompatible with a ranching community.
- Concern about the ditches on the property and any plan to move them; also the safety factor with children in the subdivision and the misuse of water in the ditches by those who are not allocated water.
- Plans by a neighbor to the subdivision for a livestock operation the hillside could be curtailed because of the subdivision due to incompatibility.
- As volunteer Harrison Assistant Fire Chief, the fire department cannot guarantee that they can respond to Lot 5 because of its location.
- The ditch is surface water and maybe it can be put underground to help alleviate problems.

### Questions/Comments from Planning Board

- When were the ditches last used?  
*They are currently in use.*
- When did you move to the area? (to Mr. Houtzel)  
*Eight years ago.*
- It is advisable to not divide up the water rights among the landowners. A dry hydrant is productive if others can use it.

### Dave Albert, Stahly Engineering

- Culverts would have to be put in.
- Would like to change the grade of the road and would have to move the ditch to do it.
- Changes to the ditch would probably improve the flow capacity.
- Karen Swedman, owner representative, said that the owner would pay for the improvements to the ditch.

**MOTION: To recommend approval of the preliminary plat of Orchard Hill Estates Minor Subdivision. Moved by:** Dave Maddison, **seconded by:** John Lounsbury. **All voted aye.**

### PLANNING BOARD RECOMMENDATION

Based on the above discussion and proposed Findings of Fact, the Planning Office recommends preliminary plat approval be granted to the Orchard Hill Estates Minor Subdivision, subject to the conditions listed below.

#### **[Standard conditions]**

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.

2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. All road, irrigation ditch/pipe, and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat. Ditch/pipe and utility easements shall not overlap.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

***[Additional site-specific conditions]***

6. Prior to final plat approval, the Montana Department of Environmental Quality must approve the project for water, sewer, and solid waste. DEQ must approve the project for stormwater drainage either prior to final plat approval, or prior to acceptance of an Improvements Agreement by Madison County (see Condition #10). In addition, well and drainfield locations shall be permanently staked.
7. Prior to any construction requiring sanitation, a Madison County septic permit must be obtained for the lot being developed.
8. Prior to final plat approval, the Madison County Road Supervisor shall issue an encroachment permit for the intersection of Orchard Hill Road with South Boulder Road.
9. Prior to final plat approval, each lot must be assigned a *temporary* physical address that complies with the Madison County rural addressing and Emergency 911 system (Individual address signs may be installed once permanent addresses are assigned).
10. Prior to final plat approval, the public access subdivision road shall be constructed by the developer in compliance with the design standards outlined in the November 2000 Madison County Subdivision Regulations, as amended. The subdivision road shall be designed by a professional engineer; its right-of-way shall begin south of any existing fencing; and the cul-de-sac radius shall be 50'. The subdivision road shall be classified as a “level/rolling road” (See p. 47 of the regulations). A road sign must be installed, and reseeding of disturbed areas must occur. All road maintenance, including but not limited to grading and snowplowing and removal, shall be the responsibility of the landowners, not Madison County. In the event that the road and other such required improvements are not completed prior to the final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee (see Subdivision Regulations, Appendix M.) shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the Letter of Credit shall be

125% of the engineer's estimated cost for the improvements. Any letter of credit must cover the time period needed to complete project improvements.

11. Prior to final plat approval, a dry hydrant shall be installed at the nearest South Boulder River bridge according to Harrison RFD specifications, and a 310 permit for the hydrant shall be obtained from the local conservation district. Or, an underground cistern of 10,000-gallon capacity shall be installed on-site, at a location and under specifications acceptable to the Harrison Rural Fire Department; maintenance of the cistern and its above-ground connection shall be the ongoing responsibility of the Homeowners Association. In the event that the fire protection facility installation is not completed prior to the final plat submission, the facility shall be covered in the Improvements Agreement described above.
12. Prior to final plat approval, the subdivider shall consult with the County Road Supervisor to learn if any improvements to the lower part of South Boulder Road are planned; if so, and if the County Road Supervisor determines that a portion of said improvements is attributable to the proposed subdivision, the subdivider shall make his fair-share payment as calculated by the Road Supervisor.
13. Prior to final plat approval, a water rights ownership/management plan and road ownership/maintenance plan shall be added to the Homeowners Association covenants.
14. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designed by Madison County to upgrade the lower part of South Boulder Road and protect public safety.
15. The final plat shall show a shared driveway easement between either Lots 3 and 4, or Lots 4 and 5.
16. Designated building envelopes shall be one-acre in size and located below 4740' elevation. A building envelope plan shall accompany the final plat, or the final plat shall identify the building envelopes (subdivider's choice). If the subdivider chooses to submit a building envelope plan, the County Planning Office shall serve as a repository for the plan. Proposed building envelope changes shall require County review and approval. The face of the final plat shall reference the building envelope plan (Note: Covenants should be revised to reflect the pertinent building envelope information).
17. The final plat shall: (a) remove reference to Morning Sun Subdivision; (b) include an improved vicinity map showing site in relation to labeled landmarks such as MT Hwy 359, South Boulder Road, and Cardwell; (c) replace road maintenance statement with the language contained in the Final Plat Checklist (Appendix K. of Madison County Subdivision Regulations); and (d) show subdivision road right-of-way width (60') and road name (Orchard Hill Road).

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## **PUBLIC HEARING AND REVIEW OF PROPOSED PRELIMINARY PLAT, BEAR CREEK ESTATES SUBDIVISION, CAMERON (SBC Investments, LLC, landowners)**

Doris opened with the description of the property and its location and her recommendation. Her recommendation is to deny the preliminary plat, but stated that the Planning Office could support preliminary plat approval of a three-lot Bear Creek subdivision with three-acre building envelopes located close to the county road.

### **Troy White, Art Hoffart and Andy Willett (attorney for the landowners) presented:**

- Rocky Hermanson is absent due to recovery from back surgery.
- The landowners intend to enlist the expertise of more professional services, ie. hydrologist , wildlife expert and planner.
- Cisterns would be located on the north side of the property.
- Trying to work out the density problems.
- Would like to have a town hall style meeting with the neighbors.

### **Comments/questions from Bear Creek Community:**

- Concerned about wildlife corridor.
- Concerned about water availability. Some wells in the area are 500 feet deep.
- The county road is already in bad shape.
- Bear Creek is dry 8-9 months out of the year.
- Visual quality of the area, one of the most photographed of the Madison Valley, will be affected.
- Remote residential developments can't pay for themselves.
- This does not comply with the Comprehensive Plan.
- Can the aquifer supply 12 more homes?
- This is a ranching community.
- Local community is forming a zoning committee to pursue citizen initiated zoning.
- Request that landowners join the Bear Creek community to preserve the natural beauty of the area.
- Ask the Planning Board to defer action on this until a revised proposal comes in.
- Can the Planning Board help the developers get a conservation easement?  
No. That is not the role of the board.
- Robert Reck read his letter of objection which he submitted to the board.
- Where would the road be widened? Where would the land come from to widen it?
- Concerned about dogs in the subdivision and their affect on livestock.
- Grass won't support horses.
- Must look at soils.
- Would like to see 160 acre zoning proposal.
- Bear Creek is a major drainage out of the Madison Range. There is potential for a serious weed problem and Bear Creek itself carrying the weeds.
- Current owners have endeavored to preserve the scenic beauty through conservation easements by making charitable gifts which benefit the people of the valley, Madison County and State of Montana.

**Comments from Melinda Merrill, former owner of the property.**

- Land was on the market for 4 years.
- Tried to get a conservation easement and interest from Fish, Wildlife and Parks, to no avail.
- Admires the developers because they want to do the right thing. Would rather know what is coming, rather than not know the owners and their intentions.
- Trying to meet the needs of the neighbors. I am a proponent of private property rights.

**Comments/questions from the Planning Board/Staff:**

- Vice President Ann Schwend- We encourage the landowners and community to get together to discuss the issue.

**The landowners withdrew their proposal to consider another approach to the development of the land.**

**SUBDIVISION PRE-APPLICATIONS**

**West Bench Subdivision, Dan Leadbetter, landowner.**

Doris opened with a description of the 12 lot subdivision and its location just east of the Madison Meadows Golf Course.

**Comments/questions from Planning Board:**

- Emergency access?
- The slope is great?
- Ridgetop development and our design guidelines.
- Is there water capacity in the Town of Ennis supply for this?

**Comments from Tom Henesh, Morrison-Maierle:**

- Construction will be one story and off the ledge.
- Name of the subdivision will be different from pre-application name.

**Cowboy Heaven PUD Phase 4-A, Moonlight Basin Ranch at Big Sky, landowner.**

Doris explained that this is a development for an administrative lot, plus four single family residential lots next to Timber Ridge. The developer anticipates between six and 150 employee housing “beds” being located on the administrative lot. It is planned that Madison County Sheriff’s Department and fire personnel would have some housing here.

Kevin Germain of Moonlight Basin Ranch said that they are committed to pursuing the ideas of providing employee housing, and he provided a letter reflecting Moonlight’s commitment to begin construction this year on six middle management units. The developers are hoping to



submit their subdivision application in August. Developers recognize that they need employee housing.

**Planning Board and Staff discussion points:**

- Open space has Pony Express lift going right over it.
- Gates must be removed for entry into the single family residences and employee housing.
- Will there be another gate for the Ulerys Lakes development? **Yes.**
- Must have ridgeline and slope analysis, as well as complete geotech, wetland and wildlife analyses.

**Planning Board Member Reports: None**

**Planner Staff Report-sent out in packets prior to meeting.**

**The meeting adjourned at 9:50 p.m.**

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**Ann Schwend, Vice President**

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**Marilee F. Tucker, Secretary**